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Attorney File Ref: 104031-002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Karl GRIEDER et al.  
Serial No.: 10/510914  
Filed: 08.October.2004  
Examiner: Christopher S. KESSLER  
Art Group: 1793  
Title: **ADJUNCT FOR IMPROVING THE BIOENERGETIC  
PROPERTIES OF MINERAL BUILDING MATERIALS**

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PER TELEFAX 571-273-8300

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313 - 1450

27.Aug.2008

Dear Sir;

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

This paper is responsive to the *Notice of Non-Compliant Amendment* dated 29.Jul.2008.

In the present application, claims 1-13 are canceled, claims 14 - 27 are withdrawn, claims 28 - 33 are canceled, and claims 34 - 44 were presented as "new" claims, and are presently outstanding.

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In response to the *Notice of Non-Compliant Amendment* of 29 Jul. 2008, the applicant elects the subject matter of "Group I" claims, namely claims 34-43 for further prosecution in the instant application.

The foregoing election of Group I is entered with TRAVESE, as it is believed that the subject matter of the "Group II" claim, namely, claim 44 would be easily and concurrently searchable with the subject matter of the "Group I" claims, without causing an undue burden on the Examiner or without requiring an overly extensive search.

Should the Examiner in charge of this application believe that communication with the undersigned will favorably advance the prosecution of this application, they are invited to contact the undersigned at their convenience.

Conditional Authorization for Fees

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263. Small Entity status is claimed.

Respectfully Submitted;



Andrew N. Parfomak, Esq.  
Reg. No. 32,431  
Norris, McLaughlin & Marcus, PC  
110 East 42<sup>nd</sup> St., 30<sup>th</sup> Floor  
New York, NY 10017

Tel: 212 808-0700



Date:

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CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper is being telefax transmitted to the US Patent and  
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27 Aug 2008

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